

E-119/C-92-318 ORDER DENYING PETITION

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm	Chair
Tom Burton	Commissioner
Cynthia A. Kitlinski	Commissioner
Dee Knaak	Commissioner
Norma McKanna	Commissioner

In the Matter of the Complaint
Against Lake Region Cooperative
Electric Association

ISSUE DATE: June 11, 1993

DOCKET NO. E-119/C-92-318

ORDER DENYING PETITION

PROCEDURAL HISTORY

On March 10, 1993, the Commission issued its ORDER DIRECTING CONTINUED TESTING AND INVESTIGATION in this matter.

On March 24, 1993, complainants Lonnie Nelson and Darryl Franze filed a Petition for More Expedient and Suitable Relief.

On April 5, 1993, Lake Region Cooperative and Cooperative Power filed Responses to complainants' Petition.

On April 15, 1993, the Commission met to consider this matter.

FINDINGS AND CONCLUSIONS

The complainants' March 24, 1993 filing objected to the time frame established in the Commission's March 10, 1993 Order. However, Minn. Rules, part 7830.4100 restricts petitions for reconsideration to final orders in a matter. Since the March 10, 1993 Order was not the final order in this matter, it is necessary to vary the provisions of Minn. Rules, part 7830.4100 in order to consider the merits of complainants' petition. The Commission will do so pursuant to Minn. Rules, part 7830.4400. Accordingly, the filing will be evaluated as if it were a timely filed petition for reconsideration of the March 10, 1993 Order.

After considering the filings and arguments of the parties, the Commission denied the complainant's petition and deferred the ultimate requests for relief (removal of all primary neutral influences from complainants' farmyards) for consideration later

in the development of this matter. As a result of that decision, the filing dates established in the March 10, 1993 Order for Lake Region to file its Voltage Reduction Plan (April 24, 1993) and the post-testing report (May 7, 1993), along with the discretion in the Executive Secretary to vary by notice the timelines established in that Order for testing, reports, and comments remained unchanged.¹

The four changes in the March 10, 1993 Order requested by the complainants in their March 24, 1993 petition were as follows:

Immediate Retesting

Complainants' request to retest immediately was denied in order to allow adequate time to develop a suitable test protocol. Proper protocol development is crucial to ensure a fair and reasonable review of the electrical parameters relevant to the complaint. Hurried testing would not advance the complainants' cause to secure reliable data upon which to base resolution of this matter.

Immediate Production of Lake Region's Voltage Reduction Plan

Complainants requested that the Commission order Lake Region to file a Voltage Reduction Plan immediately as opposed to 45 days after the March 10, 1993 Order as directed in that Order. The Commission found that the 45 day preparation period was reasonable and that no purpose would be served by rushing that filing.

Removal of All Primary Neutral Influences

The complainants restated their belief that it would be necessary to remove the detrimental influence of the primary neutral from the farmyard and the only way to do that was for Lake Region to replace its multi-grounded system with a system that did not use the earth as a current carrying conductor. The Commission found that it was premature in the development of the record in this matter to reach that conclusion but agreed to consider that request after the record is more fully developed.

¹ Pursuant to the authority granted him in the March 10, 1993 Order, the Executive Secretary's June 3, 1993 Notice amended the following filing dates: 1) the filing date for Lake Region's report containing data from testing was changed from May 7, 1993 to June 14, 1993 and 2) the date for parties to file with the Commission and serve upon the parties their comments regarding the items listed in Ordering Paragraph 9 of the March 10, 1993 Order was changed from 20 days after the filing of Lake Region's report of testing data to July 9, 1993.

Information Gathering Regarding the Unigrounded System

The complainants urged the Commission to direct the Department and Lake Region to begin collecting information about the Unigrounded System at once. As indicated, the Commission will be considering the necessity for and the usefulness of the Unigrounded System at a later point in this docket and would assume the parties, including the complainants, will be presenting information regarding all the relevant options at that time.

ORDER

1. The Petition for More Expedient and Suitable Relief filed by the complainants Nelson and Franze is denied.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster
Executive Secretary

(S E A L)